



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

JUN 4 2007

Mr. Vince Panunzio
Materials Manager - Atlanta Facilities
The Alpha Group
GBE Enterprises/Alpha Industrial Power
1075 Satellite Boulevard, Suite 400
Suwanee, GA 30024

Reference No. 07-0073

Dear Mr. Panunzio:

This responds to your April 5, 2007 e-mail concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of a generator containing an internal combustion engine fueled by either liquefied petroleum gas or natural gas and containing a spillable wet electric storage battery filled with acid. Specifically, you ask whether the requirements in § 173.220 apply to such transportation.

The answer is yes. Section 173.220 applies to the transportation of mechanized equipment containing an internal combustion engine if the engine or fuel tank contains a liquid or gaseous fuel. Section 173.220 also applies to the transportation of mechanized equipment containing a wet electric storage battery, other than a non-spillable battery, or a sodium or lithium battery.

Requirements for transporting mechanized equipment containing an internal combustion engine fueled by either flammable liquefied or compressed gas are set forth in § 173.220(b)(2). Shipments conforming to the requirements in § 173.220(b)(2) are not subject to any other HMR requirements when transported by motor vehicle or railcar and are excepted from marking, labeling, placarding, and emergency response telephone number requirements when transported by vessel or aircraft (see § 173.220(g)). Additional exceptions for shipments by vessel are in § 176.905. Note that if the fuel tank, engine components, and fuel lines are completely drained, cleaned of residue, and purged of vapors to remove any potential hazard, the requirements in § 173.220 do not apply.

Requirements for transporting mechanized equipment containing a wet electric storage battery are set forth in § 173.220(c). The battery must be securely installed, fastened in an upright position, and protected against short circuits and leakage. Shipments conforming to the requirements in § 173.220(c) are not subject to any other HMR requirements when transported by motor vehicle or railcar and are excepted from marking, labeling, placarding, and emergency response telephone number requirements when transported by vessel or aircraft



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173.220

(see § 173.220(g)). For vessel or air transportation, all other applicable HMR requirements apply, including shipping papers and emergency response information. Additional exceptions for shipments by vessel are in § 176.905.

I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie Mitchell", written in a cursive style.

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Edmonson
§173.220
Engines
07-0073

Jarman, Erin <PHMSA>

From: Vince Panunzio [VPanunzio@alpha.com]
Sent: Thursday, April 05, 2007 12:44 PM
To: INFOCNTR <PHMSA>
Subject: RE: Request for interpretation

Dear sirs,

Thank you for taking the time to review my request for interpretation.

I would like to request an interpretation of 49 CFR section 173.220, pertaining to internal combustion engines contained within equipment.

We have several DC power generation products that we manufacture which contain within them either a LP gas or natural gas engine. The engines are incorporated into the generator units are enclosed and built into a NEMA rated metal enclosure. There are no fuel tanks attached to the LP units, and obviously the natural gas units have no tank at all. The units do get a battery for start up which is classified as a "Battery, wet filled with acid, UN2794".

These units are used in the broadband cable market to supply back up power in the event of power loss to the cable network.

My first question is: is the transport of our generator products governed by the requirements of 173.220?

My second question is: if they are regulated by the above mentioned requirements, provided that they have no fuel tanks, as I interpret the section 173.200, they should not be subject to any other requirements under the HMR (e.g., shipping papers, labeling, marking, placarding, or emergency response information), do you concur with this assessment?

And third, provided that the wet electric storage battery is installed in the equipment, securely fastened in an upright position, and protected from short circuits and leakage, it should also be excepted from any other requirements of the HMR if offered for transportation by motor vehicle or rail. Further if it is offered for transportation by air or vessel the wet battery is excepted from marking, labeling and placarding; however shipping papers are required. Do you concur with this assessment?

As I read the packaging specifications 173.220 which apply to the classification above, a "wet, storage battery" is allowed to be installed an securely fastened

Please contact me directly should you require any further information in order to render a decision.

Sincerely,

Vince Panunzio
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4/5/2007